

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CURTIS BRANDON,
Plaintiff,

v.

RAYMOND BURKHART, et al.,
Defendants.

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Civil Action No. 1:16-cv-177

Judge Susan Paradise Baxter

ORDER OF COURT

Susan Paradise Baxter, District Judge

Plaintiff initiated the instant action on July 12, 2016. ECF No. 1. On September 29, 2017, Defendants filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. ECF No. 49. On June 7, 2018, Plaintiff filed a motion seeking leave to file a Second Amended Complaint. ECF No. 77. On July 25, 2018, the undersigned, then a United States Magistrate Judge, issued a Report and Recommendation that the Motion to Dismiss be granted in part and denied in part. ECF No. 72. The Report also recommended that Plaintiff's request for leave to amend be denied. In response, Plaintiff filed objections to the Report and Recommendation. ECF No. 84.

On September 14, 2018, the undersigned was sworn in as a United States District Judge. This action was reassigned to this Court's docket on September 17, 2018. ECF No. 85.

After conducting a thorough *de novo* review of Plaintiff's objections, the Court stands by the conclusions set forth in the Report and Recommendation. Accordingly, it is HEREBY ORDERED that the Report and Recommendation issued on July 25, 2018, is converted into a final Memorandum Opinion. Consistent with the recommendation therein, Defendants' Motion

to Dismiss is GRANTED in part and DENIED in part. Plaintiff's Motion for Leave to Amend is DENIED.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge

Dated: September 25, 2018